

### **REMARKS/ARGUMENTS**

Reexamination of the captioned application is respectfully requested.

#### **A. SUMMARY OF THIS AMENDMENT**

By the current amendment, Applicants basically:

1. Editorially amend the specification.
2. Submit separately and electronically a replacement sheet Fig. 1 indicating Fig. 1 to be “Prior Art”, thereby mooted enumerated paragraph 1 of the office action.
3. Amend claim 1.
4. Add new dependent claims 6 and 7 to depend from independent claim 1.
5. Add new non-means-plus function independent claim 8.
6. Add new claims 9 – 14 dependent upon new independent claim 8, corresponding to dependent claims 2 – 7, respectively.
7. Respectfully traverse all prior art rejections.

#### **B. PATENTABILITY OF THE CLAIMS**

Claims 1-3 and 5 stand rejected under 35 USC 102(b) as being anticipated by U.S. Publication 2002/0140471 to Fiscus. Claim 4 stands rejected under 35 USC §103(a) as being unpatentable over U.S. Publication 2002/0140471 to Fiscus in view of U.S. Patent 6,396,338 to Huang et al. All prior art rejections are respectfully traversed for at least the following reasons.

As amended, independent claim 1 emphasizes that Applicants’ delay component comprises a passive tunable delay line comprising an electrical conductor supported by a dielectric material. The amendatory language is supported, e.g., by col. 6, lines 1 – 2 of Applicants’ specification. Comparable limitations also reside in new non-means-plus function independent claim 8.

U.S. Publication 2002/0140471 to Fiscus provides a delay locked loop (DLL) circuit for conserving power on a semiconductor chip (see abstract). Fiscus' delay line may be formed from analog circuits, digital circuits, or a combination thereof, which circuits provide control to an adjustable delay line (see paragraph [0005]). It appears that Fiscus' delay line comprises a number of discrete components. For example, Fiscus states that his delay line circuit may include active and/or passive components. No other configurations are mentioned.

On the contrary, Fiscus explicitly refers to the problem of high power consumption of the circuits of a delay line. This strongly indicates that Fiscus is not referring to a delay line of a type such as Applicants' (which consumes practically no power at all), but rather a chain of discrete components.

Thus, U.S. Publication 2002/0140471 to Fiscus cannot teach or suggest a passive tunable delay line comprising an electrical conductor supported by a dielectric material.

Fiscus is not rehabilitated by Huang, since Huang also fails to teach or suggest the limitations of Applicants' amended claims and, moreover, the delay line of Huang not is used in a DLL.

New dependent claims 6 and 13 specify that the delay component comprises a ground plane which supports the dielectric material, and that a control signal applies a voltage between the electrical conductor and the ground plane to alter a dielectric constant of the dielectric material. New dependent claims 6 and 13 are supported, e.g., by the paragraph bridging pages 5 and 6.

New dependent claims 7 and 14 specify that the delay component comprises plural signal phase take off points, and that the plural signal phase take off points have differing phase shifts relative to one another, but that a phase shift at each take off point remains

the same regardless of wavelength of the input signal. New dependent claims 7 and 14 are supported, e.g., by the fourth full paragraph of page 4.

Since the limitations of independent claim 1 and 8 are not threatened by U.S. Publication 2002/0140471 to Fiscus, neither are the dependent claims, including but not limited to the new dependent claims.

### **C. MISCELLANEOUS**

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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